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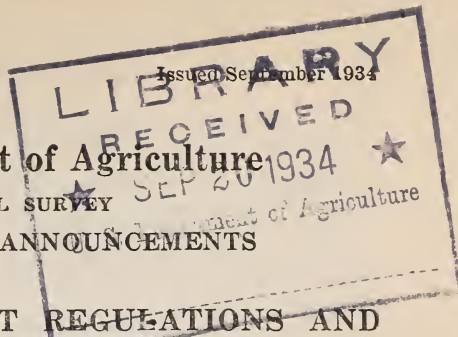
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United States Department of Agriculture

BUREAU OF BIOLOGICAL SURVEY

SERVICE AND REGULATORY ANNOUNCEMENTS



MIGRATORY BIRD TREATY ACT REGULATIONS AND TEXT OF FEDERAL LAWS RELATING TO GAME AND BIRDS¹

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MIGRATORY BIRD TREATY ACT REGULATIONS

[As approved and promulgated by the President July 31, 1918, and amended October 25, 1918; July 28, 1919; July 9, 1920; March 3 and May 17, 1921; March 8, 1922; April 10 and June 11, 1923; April 11 and July 2, 1924; June 22, 1925; March 8, April 22, and June 18, 1926; April 4 and 21, and September 6, 1927; March 2, July 13, and August 16, 1928; April 23 and December 31, 1929; May 23 and August 25, 1930; March 17, August 25, and September 12, 1931; July 20, 1932; September 11, 1933; and August 20, 1934]

Regulation 1.—Definitions of Migratory Birds

Migratory birds, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, are as follows:

1. Migratory game birds:

- Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.
- Gruidae, or cranes, including little brown, sandhill, and whooping cranes.
- Rallidae, or rails, including coots, gallinules and sora and other rails.
- Limicolae, or shore birds, including avocets, curlews, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.
- Columbidae, or pigeons, including doves and wild pigeons.

2. Migratory insectivorous birds: Cuckoos; flickers and other woodpeckers; nighthawks or bullbats and whip-poor-wills; swifts; humming birds; flycatchers; bobolinks, meadow larks, and orioles; grosbeaks, tanagers, martins and other swallows; waxwings; shrikes; vireos; warblers; pipits; catbirds and brown thrashers; wrens; brown creepers; nuthatches; chickadees and titmice; kinglets and gnat catchers; robins and other thrushes; and all other perching birds which feed entirely or chiefly on insects.

3. Other migratory nongame birds: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters, and terns.

[As amended July 9, 1920.]

¹ Persons desiring information regarding further restrictions set by State law or regulation on seasons, limits, possessions, and other hunting provisions, should communicate with the appropriate State officials, whose addresses are given on page 21 of this publication.

Regulation 2.—Definitions of terms

For the purposes of these regulations the following terms shall be construed, respectively, to mean and to include—

Secretary.—The Secretary of Agriculture of the United States.

Person.—The plural or the singular, as the case demands, individuals, clubs, associations, partnerships, and corporations, unless the context otherwise requires.

Take.—Hunt, kill, or capture, or attempt to hunt, kill, or capture.

Premises.—The entire tract or body of land and water or land or water owned, leased, or otherwise controlled or occupied by any person on any part of which bait is employed in the shooting of waterfowl.

Bait.—Corn, wheat, oats, or other grain, or products thereof, salt, or any kind of feed, by whomsoever placed, deposited, distributed, scattered, or otherwise put out, whereby mourning doves or waterfowl are lured, attracted, or enticed.

Open season.—The time during which migratory birds may be taken.

Transport.—Shipping, transporting, carrying, exporting, receiving or delivering for shipment, transportation, carriage, or export.

[As amended Aug. 20, 1934.]

Regulation 3.—Means by Which Migratory Game Birds May Be Taken

The migratory game birds specified in regulation 4 hereof may be taken during the open season with a gun only, not larger than no. 10 gage, fired from the shoulder, except as specifically permitted by regulations 7, 8, 9, and 10 hereof; they may be taken during the open season from the land and water, with the aid of a dog, the use of decoys, and from a blind or floating device, except that in the taking of wild ducks not more than 25 live duck decoys may be shot over, and in the taking of wild geese in California the use of live goose decoys is not permitted; but nothing herein shall be deemed to permit the use of an automobile, airplane, power boat, sailboat, any boat under sail, any floating device towed by power boat or sailboat, or any sinkbox (battery), except that sinkboxes (batteries) may be used in the taking of migratory waterfowl in coastal sounds and bays (including Back Bay, Princess Anne County, State of Virginia) and other coastal waters; and nothing herein shall be deemed to permit the use of an airplane, or a power boat, sailboat, or other floating device for the purpose of concentrating, driving, rallying, or stirring up migratory waterfowl; and mourning doves shall not be shot or otherwise taken by means of bait.

Waterfowl (except those taken pursuant to regulation 8 of these regulations) shall not be shot or otherwise taken on any baited premises except under seasonal permits issued without charge by the Chief of the Bureau of Biological Survey of the Department of Agriculture: *Provided, however,* That such permits will be issued only upon the conditions and requirements hereinafter specified, which will be stated in every permit, and when said Chief shall, after investigation, ascertain and determine that any bait on any premises is or will be effective to subsist such waterfowl under stress of absence, failure, or diminution of the normal or natural food supply of waterfowl in that particular locality or section, or to concentrate such waterfowl under conditions conducive to safeguarding them from greater destruction that would otherwise occur, and when it shall additionally appear that such shooting will more nearly equalize waterfowl-hunting privileges in the various localities or sections within the jurisdiction of the United States and will not contribute to disproportioned destruction of such waterfowl in any such particular locality or section. Forms upon which to apply for permits will be furnished by the Chief of said Bureau upon request. Permits will be issued to and in the name of the person owning, leasing, or otherwise controlling or occupying any premises. Any permit may be revoked by the Secretary when he determines, after investigation, that baiting as employed on the premises constitutes a disproportioned agency in the killing of migratory waterfowl, or upon proof that the permittee has willfully violated or failed to comply with, or has suffered others hunting on the premises to violate or fail to comply with, any of the following conditions and requirements: No waterfowl, except crippled birds not otherwise retrievable, shall be shot while resting on water or land on any premises. No waterfowl shall be shot on any premises after 3 o'clock p.m.

Every permittee shall keep an accurate record of the number of persons shooting during each season on the premises covered by the permit; the species and the number of each species and the total number of all species of waterfowl killed on said premises during each season; and the number of blinds, the number of gunners shooting from each blind each day, the number of birds killed each day by each gunner at each blind, and kinds of feed and interval of feeding; and shall send to the Chief of said Bureau, within 1 month after the close of the open season, a report containing the aforesaid information. No permit issued shall be construed to be effective to permit shooting of waterfowl on any premises in violation of State law or regulation.

[As amended July 28, 1919; Mar. 3 and May 17, 1921; Apr. 4, 1927; Mar. 2, 1928; Apr. 23, 1929; Mar. 17, 1931; July 20, 1932; Sept. 11, 1933, and Aug. 20, 1934.]

Regulation 4.—Open Seasons on and Possession of Certain Migratory Game Birds

Waterfowl (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, ruddy duck, bufflehead duck, and swans), rails, coot, gallinules, woodcock, Wilson's snipe or jacksnipe, mourning doves, and band-tailed pigeons may be taken each day from sunrise to sunset (except waterfowl on baited premises as provided by regulation 3) during the open seasons prescribed therefor in this regulation, and they may be taken by the means and in the numbers permitted by regulations 3 and 5 hereof, respectively, and when so taken may be possessed in the numbers permitted by regulation 5 any day in any State, Territory, or District during the period constituting the open season where killed and for an additional period of 10 days next succeeding said open season, but no such bird shall be possessed in a State, Territory, or District at a time when such State, Territory, or District prohibits the possession thereof. Nothing herein shall be deemed to permit the taking of migratory birds on any refuge established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222-26), nor on any area of the United States set aside by any other law, proclamation, or Executive order for use as a wildlife refuge except insofar as may be permitted by the Secretary of Agriculture under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

Waterfowl (*except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, ruddy duck, bufflehead duck, and swans*), Wilson's snipe or jacksnipe, and coot.—The open seasons for waterfowl (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, ruddy duck, bufflehead duck, and swans), Wilson's snipe or jacksnipe, and coot, in the several States and Alaska, shall be as follows:

California, October 20, 21, 27, 28; November 3, 4, 10, 11, 17, 18, 24, 25; December 1, 2, 8, 9, 15, 16, 22, 23, 29, 30.

Florida, November 22, 23, 24, 25, 29, 30; December 1, 2, 6, 7, 8, 9, 13, 14, 15, 16, 20, 21, 22, 23, 27, 28, 29, 30; January 3, 4, 5, 6, 10, 11.

Iowa, October 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 31; November 1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18.

Kansas, October 11, 12, 13, 18, 19, 20, 25, 26, 27; November 1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23, 24, 29, 30; December 1, 6, 7, 8, 13, 14, 15.

Nebraska, October 16 to November 14, both dates inclusive.

New Mexico, October 13, 14, 20, 21, 27, 28; November 3, 4, 10, 11, 17, 18, 24, 25; December 1, 2, 8, 9, 15, 16, 22, 23, 29, 30; January 5, 6, 12, 13.

Oklahoma, October 20, 21, 22, 27, 28, 29; November 3, 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, 26; December 1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23, 24.

Texas, October 26, 27, 28; November 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 30; December 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 29, 30.

Utah, October 12, 13, 14, 19, 20, 21, 26, 27, 28; November 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 30; December 1, 2, 7, 8, 9, 14, 15, 16.

West Virginia, November 1 to November 30, both dates inclusive.

Arizona, Idaho, and Illinois, October 6, 7, 13, 14, 20, 21, 27, 28; November 3, 4, 10, 11, 17, 18, 24, 25; December 1, 2, 8, 9, 15, 16, 22, 23, 29, 30; January 5, 6, 12, 13.

Colorado and Nevada, October 1, 2, 6, 7, 13, 14, 20, 21, 27, 28; November 3, 4, 10, 11, 17, 18, 24, 25; December 1, 2, 8, 9, 15, 16, 22, 23, 29, 30; January 5, 6.

Missouri, Oregon, and Washington, October 19, 20, 21, 26, 27, 28; November 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 30; December 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23.

Arkansas and Mississippi, November 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30; December 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15.

Kentucky, Louisiana, and Rhode Island, November 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 30; December 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 29, 30; January 4, 5, 6.

Michigan, Minnesota, North Dakota, Wisconsin, and Wyoming, October 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 31; November 1, 2, 3, 4, 7, 8, 9, 10, 11.

Connecticut, Massachusetts, New Jersey, and Pennsylvania, October 18, 19, 20, 25, 26, 27; November 1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23, 24, 29, 30; December 1, 6, 7, 8, 13, 14, 15, 20, 21, 22.

Alabama, Georgia, Maryland, North Carolina, South Carolina, Tennessee, and Virginia, November 8, 9, 10, 15, 16, 17, 22, 23, 24, 29, 30; December 1, 6, 7, 8, 13, 14, 15, 20, 21, 22, 27, 28, 29; January 3, 4, 5, 10, 11, 12.

Montana, New Hampshire, Vermont, and South Dakota, October 5, 6, 7, 12, 13, 14, 19, 20, 21, 26, 27, 28; November 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 30; December 1, 2, 7, 8, 9.

Indiana, Maine, New York (except Long Island), and Ohio, October 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27; November 1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23, 24, 29, 30; December 1, 6, 7, 8.

Delaware, and that portion of New York known as Long Island, October 25, 26, 27; November 1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23, 24, 29, 30; December 1, 6, 7, 8, 13, 14, 15, 20, 21, 22, 27, 28, 29.

Alaska, September 1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23, 24, 29, 30; October 1, 6, 7, 8, 13, 14, 15, 20, 21, 22, 27, 28, 29; November 3, 4, 5.

Rails and gallinules (*except coot*).—The open season for sora and other rails and gallinules (*except coot*) shall be from September 1 to November 30, both dates inclusive, except as follows:

Massachusetts, October 4 to November 2, both dates inclusive;

Washington, October 1 to November 30, both dates inclusive;

New York (except Long Island), October 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27; November 1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23, 24, 29, 30; December 1, 6, 7, 8;

That portion of New York known as Long Island, October 25, 26, 27; November 1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23, 24, 29, 30; December 1, 6, 7, 8, 13, 14, 15, 20, 21, 22, 27, 28, 29;

Wisconsin, October 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 31; November 1, 2, 3, 4, 7, 8, 9, 10, 11;

Louisiana, November 1 to January 31, both dates inclusive; and

District of Columbia, no open season.

Woodcock.—The open seasons for woodcock shall be as follows, both dates inclusive.

That portion of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany, and north of the tracks of the main line of the Boston & Albany Railroad extending from Albany to the Massachusetts State line, and in Maine, New Hampshire, Vermont, and North Dakota, October 1 to October 31;

Wisconsin, September 23 to October 22;

That portion of New York lying south of the line above described, including Long Island, and in New Jersey, Pennsylvania, Ohio, Indiana, Michigan, and Iowa, October 15 to November 14;

Massachusetts, Rhode Island, and Connecticut, October 20 to November 19;

Missouri, November 10 to December 10;

Delaware, Maryland, Virginia, West Virginia, Kentucky, Arkansas, and Oklahoma, November 15 to December 15; and

North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana, December 1 to December 31.

Doves.—The open seasons for mourning doves shall be as follows, both dates inclusive:

Delaware, Maryland, Virginia, Tennessee, Kentucky, Illinois, Minnesota, Nebraska, Kansas, Missouri, Arkansas, Oklahoma, New Mexico, Utah, Arizona, California, Nevada, Idaho, and Oregon, September 1 to December 15;

That portion of Texas (except Brazos County) lying west and north of a line beginning on the Rio Grande directly west of the town of Del Rio, Tex.; thence east to the town of Del Rio; thence easterly following the center of the main track of the Southern Pacific Railroad through the towns of Spofford, Uvalde, and Hondo; thence to the point where the Southern Pacific Railroad

crosses the International & Great Northern Railroad at or near San Antonio; thence following the center of the track of said International & Great Northern Railroad in an easterly direction, to the point in the city of Austin, where it joins Congress Avenue, near the International & Great Northern Railroad depot; thence across Congress Avenue to the center of the main track of the Houston & Texas Central Railroad where said track joins said Congress Avenue, at or near the Houston & Texas Central Railroad depot; thence following the center line of the track of said Houston & Texas Central Railroad in an easterly direction through the towns of Elgin, Giddings, and Brenham, to the point where said railroad crosses the Brazos River; thence with the center of said Brazos River in a general northerly direction, to the point on said river where the Beaumont branch of the Gulf, Colorado & Santa Fe Railway crosses the same; thence with the center of the track of the said Gulf, Colorado & Santa Fe Railway in an easterly direction through the towns of Navasota, Montgomery, and Conroe, to the point at or near Cleveland, where said Gulf, Colorado & Santa Fe Railway crosses the Houston East & West Texas Railway; thence with the center of said Houston East & West Texas Railway track to the point in said line, where it strikes the Louisiana line, September 1 to October 31;

That portion of Texas lying south and east of the aforesaid line, October 1 to November 30;

Brazos County, Tex., November 15 to January 15;

North Carolina, South Carolina, Georgia, Alabama (except in Mobile, Baldwin, and Washington Counties), and Mississippi, September 1 to September 30 and November 20 to January 31;

That portion of Alabama comprising Mobile, Baldwin, and Washington Counties and in that portion of Florida comprising all counties west of the Ochlockonee River, November 1 to January 31;

Florida (except in Dade, Monroe, and Broward Counties and all counties west of the Ochlockonee River), November 20 to January 31;

That portion of Florida comprising Dade, Monroe, and Broward Counties, September 16 to November 15; and

Louisiana, November 2 to January 31.

Band-tailed pigeons.—The open seasons for band-tailed pigeons shall be as follows, both dates inclusive:

California and Arizona, December 1 to December 15;

New Mexico, November 1 to November 15;

Washington and Oregon, October 16 to October 30.

[As amended Oct. 25, 1918; July 28, 1919; July 9, 1920; May 17, 1921; Mar. 8, 1922; June 11, 1923; Apr. 11 and July 2, 1924; June 22, 1925; Mar. 8, Apr. 22, and June 18, 1926; Apr. 4 and 21 and Sept. 6, 1927; Mar. 2, July 13, and Aug. 16, 1928; Apr. 23 and Dec. 31, 1929; May 23 and Aug. 25, 1930; Mar. 17, Aug. 25, and Sept. 12, 1931; July 20, 1932; Sept. 11, 1933; and Aug. 20, 1934.]

Regulation 5.—Daily Bag and Possession Limits on Certain Migratory Game Birds

A person may take in any 1 day during the open seasons prescribed therefor in regulation 4 not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking migratory birds; and in the case of ducks, geese, brant, woodcock, and band-tailed pigeons when so taken these may be possessed in the numbers specified as follows:

Ducks (*except wood duck, ruddy duck, and bufflehead duck*).—Twelve in the aggregate of all kinds, but not more than 5 of any one, or more than 5 in the aggregate, of the following species—elder duck, canvasback, redhead, greater scaup, lesser scaup, ringneck, blue-wing teal, green-wing teal, cinnamon teal, shoveller, and gadwall; and any person at any one time may possess not more than 24 ducks in the aggregate of all kinds, but not more than 10 of any one, or more than 10 in the aggregate, of the following species—elder duck, canvasback, redhead, greater scaup, lesser scaup, ringneck, blue-wing teal, green-wing teal, cinnamon teal, shoveller, and gadwall.

Geese and brant (*except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, and Ross's goose*).—Four in the aggregate of all kinds, and any person at any one time may possess not more than 8 geese and brant in the aggregate of all kinds.

Rails and gallinules (*except sora and coot*).—Twenty-five in the aggregate of all kinds, but not more than 15 of any one species.

Sora.—Twenty-five.

Coot.—Twenty-five.

Wilson's snipe or jacksnipe.—Twenty.

Woodcock.—Four, and any person at any one time may possess not more than 12.

Doves (*mourning*).—Eighteen.

Band-tailed pigeons.—Ten, and any person at any one time may possess not more than 10.

The possession limits hereinbefore prescribed shall apply as well to ducks, geese, brant, woodcock, and band-tailed pigeons taken in Canada and other foreign countries, and brought into the United States as to those taken in the United States.

[As amended Oct. 25, 1918; July 28, 1919; Mar. 3, 1921; Mar. 8, 1926; Apr. 4, 1927; Dec. 31, 1929; Mar. 17, 1931; July 20, 1932; Sept. 11, 1933, and Aug. 20, 1934.]

Regulation 6.—Shipment, Transportation, and Possession of Certain Migratory Game Birds

Waterfowl (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, ruddy duck, bufflehead duck, and swans), rails, coot, gallinules, woodcock, Wilson's snipe or jacksnipe, mourning doves, and band-tailed pigeons and parts thereof legally taken may be transported in any manner in or out of the State where taken during the respective open seasons in that State and when legally taken in and exported from Canada may be imported into the United States during the open season in the Province where taken, but not more than the number thereof that may be taken in 2 days, or 1 day in the case of band-tailed pigeons, or 3 days in the case of woodcock, by one person under these regulations shall be transported by one person in 1 calendar week out of the State where taken or from Canada into the United States; any such birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed 5 days, necessary to deliver the same to their destination, and may be possessed in any State, Territory, or District during the period constituting the open season where killed, and for an additional period of 10 days next succeeding said open season; and any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof contained therein clearly and conspicuously marked on the outside thereof; but no such birds or parts thereof shall be transported from any State, Territory, or District to or through another State, Territory, or District or to or through a Province of the Dominion of Canada contrary to the laws of the State, Territory, or District in which they were taken or from which they are transported; nor shall any such birds or parts thereof be transported into any State, Territory, or District from another State, Territory, or District, or Province of the Dominion of Canada, or from any State, Territory, or District into any Province of the Dominion of Canada, at a time when any such State, Territory, or District, or Province of the Dominion of Canada into which they are transported prohibits the possession or transportation thereof.

Migratory game birds imported from countries other than Canada.—Migratory game birds of a species for which an open season is prescribed by regulation 4, lawfully taken in and exported from a foreign country (other than Canada for which provision is hereinbefore made), may be transported to and possessed in any State of the United States during the open season prescribed by regulation 4 in such State for that species and for a period of 10 days immediately succeeding such open season, and in the District of Columbia during the open season so prescribed for Maryland and 10 days thereafter, in numbers in any one calendar week not exceeding those permitted to be taken in 2 days by regulation 5, or possessed at any one time, as the case may be, if transportation and possession of such birds is not prohibited by the laws of such State or District and if imported and transported in packages marked as hereinbefore provided.

[As amended Oct. 25, 1918; July 9, 1920; Mar. 8, 1926; Apr. 4, 1927; Mar. 17, 1931; July 20, 1932; and Sept. 11, 1933.]

Regulation 7.—Taking of Certain Migratory Nongame Birds by Eskimos and Indians in Alaska

In Alaska Eskimos and Indians may take for the use of themselves and their immediate families, in any manner and at any time, and possess and transport auks, auklets, guillemots, murre, and puffins and their eggs for food and their skins for clothing.

Regulation 8.—Permits to Propagate and Sell Migratory Waterfowl

1. A person may take at any time migratory waterfowl and their eggs for propagating purposes when authorized by a permit issued by the Secretary. Waterfowl and their eggs so taken may be possessed by the permittee and may be sold and transported by him for propagating purposes to any person holding a permit issued by the Secretary in accordance with the provisions of this regulation.

2. A person authorized by a permit issued by the Secretary may possess, buy, sell, and transport migratory waterfowl and their increase and eggs in any manner and at any time for propagating purposes; and migratory waterfowl, except the birds taken under paragraph 1 of this regulation, so possessed may be killed by him at any time, in any manner, except that they may be killed by shooting only during the open season for waterfowl in the State where killed, and the carcasses, with heads and feet attached thereto, of the birds so killed may be sold and transported by him in any manner and at any time to any person for actual consumption, or to the keeper of a hotel, restaurant, or boarding house, retail dealer in meat or game, or a club, for sale or service to their patrons, who may possess such carcasses for actual consumption without a permit, but no migratory waterfowl killed by shooting shall be bought or sold unless each bird before attaining the age of 4 weeks shall have had removed from the web of one foot a portion thereof in the form of a V large enough to make a permanent, well-defined mark, which shall be sufficient to identify it as a bird raised in domestication under a permit.

3. Any package in which such waterfowl or parts thereof or their eggs are transported shall have plainly and conspicuously marked on the outside thereof the name and address of the permittee, the number of his permit, the name and address of the consignee, and an accurate statement of the number and kinds of birds or eggs contained therein.

4. Applications for permits must be addressed to the Secretary of Agriculture, Washington, D.C., and must contain the following information: Name and address of applicant; place where the business is to be carried on; number of acres of land used in the business and whether owned or leased by the applicant; number of each species of waterfowl in possession of applicant; names of species and number of birds or eggs of each species if permission is asked to take waterfowl or their eggs; and the particular locality where it is desired to take such waterfowl or eggs.

5. A person granted a permit under this regulation shall keep books and records which shall correctly set forth the total number of each species of waterfowl and their eggs possessed on the date of application for the permit and on the 1st day of each January next following; also for each calendar year during the life of the permit the total number of each species reared and killed, number of each species and their eggs sold and transported, manner in which such waterfowl and eggs were transported, name and address of each person from or to whom waterfowl and eggs were purchased or sold, together with the number and species and whether sold alive or dead; and the date of each transaction. A report setting forth this information shall be annually furnished the Secretary during the month of January for the preceding calendar year.

6. A permittee shall at all reasonable hours allow any authorized employee of the United States Department of Agriculture to enter and inspect the premises where operations are being carried on under this regulation and to inspect the books and records of such permittee relating thereto.

7. A permit issued under this regulation shall be valid until revoked by the Secretary unless otherwise specified therein, shall not be transferable, and may be revoked by the Secretary, if the permittee violates any of the provisions of the Migratory Bird Treaty Act or of the regulations thereunder. A permit duly revoked by the Secretary shall be surrendered to him by the person to whom it

was issued, on demand of any employee of the United States Department of Agriculture duly authorized to enforce the provisions of the Migratory Bird Treaty Act.

8. A person may possess and transport for his own use, without a permit, live migratory waterfowl now lawfully possessed or hereafter lawfully acquired by him, but he may not purchase or sell such waterfowl without a permit. A State or municipal game farm or city park may possess, purchase, sell, and transport live migratory waterfowl without a permit, but no such waterfowl shall be purchased from or sold to a person (other than such State or municipal game farm or city park) unless he has a permit. The feathers of wild ducks and wild geese lawfully killed, and feathers of such birds seized and condemned by Federal or State game authorities may be possessed, bought, sold, and transported, for use in making fishing flies, bed pillows, and mattresses, and for similar commercial purposes, but not for millinery or ornamental purposes.

[As amended Oct. 25, 1918; July 9, 1920; Apr. 10 and June 11, 1923; and Sept. 11, 1933.]

Regulation 9.—Permits to Collect Migratory Birds for Scientific Purposes

A person may take at any time migratory birds and their nests and eggs for scientific purposes when authorized by a permit issued by the Secretary, which permit shall be carried on his person when he is collecting specimens thereunder and shall be exhibited to any person requesting to see the same; except that nothing herein shall be deemed to permit the taking of any migratory game bird on any day from sunset to sunrise or the taking of migratory game birds with a gun larger than 10 gage or from an automobile, airplane, power boat, sailboat, or any boat under sail.

Application for a permit must be addressed to the Secretary of Agriculture, Washington, D.C., and must contain the following information: Name and address of the applicant, his age, and name of State, Territory, or District in which specimens are proposed to be taken, and the purpose for which they are intended, and the names and addresses of at least two well-known ornithologists, principals or superintendents of educational or zoological institutions, officials or members of zoological or natural-history organizations, or instructors in zoology in high schools, colleges, or universities from whom may be ascertained the qualifications of the applicant for a permit.

The permit may limit the number and species of birds, birds' nests, or eggs that may be collected thereunder and the places where they may be collected and may authorize the holder thereof to possess, buy, sell, exchange, and transport in any manner and at any time migratory birds, parts thereof, and their nests and eggs for scientific purposes; or it may limit the holder to one or more of these privileges. Public museums, zoological parks, and societies and public scientific, and educational institutions may possess, buy, sell, exchange, and transport in any manner and at any time migratory birds and parts thereof and their nests and eggs for scientific purposes without a permit, but no specimens shall be taken without a permit. The plumage and skins of migratory game birds legally taken may be possessed and transported by a person without a permit.

A taxidermist, when authorized by a permit issued by the Secretary, may possess, buy, sell, exchange, and transport in any manner and at any time migratory birds and parts thereof legally taken, or he may be limited to one or more of these privileges. A taxidermist granted a permit under this regulation shall keep books and records correctly setting forth the name and address of each person delivering each specimen of a migratory bird to him, together with the name of each species, the date of delivery, the disposition of such specimen, and the date thereof, which said books and records shall be available for inspection at all reasonable hours on request by any duly authorized representative of the Department of Agriculture.

Each permit shall be invalid after June 30 succeeding the date of issuance, shall not be transferable, and shall be revocable at any time at the discretion of the Secretary. A permit revoked by the Secretary shall be surrendered to him by the person to whom it was issued, on demand of any employee of the United States Department of Agriculture authorized to enforce the provisions of the Migratory Bird Treaty Act. A person holding a permit under this regulation shall report annually to the Secretary on or before the 10th day of July the number of skins, nests, or eggs of each species collected, bought, sold, received,

possessed, mounted, exchanged, or transported during the preceding 12 months, and failure to make such report will be cause for refusal to renew the permit.

Every package in which migratory birds or their nests or eggs are transported shall have clearly and conspicuously marked on the outside thereof the name and address of the sender, the number of the permit in every case when a permit is required, the name and address of the consignee, a statement that it contains specimens of birds, their nests, or eggs for scientific purposes, and, whenever such a package is transported or offered for transportation from the Dominion of Canada into the United States or from the United States into the Dominion of Canada, an accurate statement of the contents.

[As amended Oct. 25 1918; Mar. 3, 1921; June 11, 1923; Apr. 23, 1929; Mar. 17, 1931; July 20, 1932; Sept. 11, 1933; and Aug. 20, 1934.]

Regulation 10.—Permits to Kill Migratory Birds Injurious to Property

Community injury.—When information is furnished the Secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any particular community, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, and, if so, during what times and by what means. Upon his determination an appropriate order will be made.

Specific injury.—Upon receipt by the Secretary of information from the owner, tenant, or share cropper that migratory birds are injuring his crops or other property on the land on which he resides, together with a statement of the location of the land, the nature of the crops or property being injured, the extent of such injury, and the particular species of birds committing the injury, an investigation will be made by the Bureau of Biological Survey of the Department of Agriculture, and if it is determined from such investigation that the injury complained of is substantial and can be abated only by killing the birds, or so many thereof as may be necessary, a permit to kill the birds will be issued by the Chief of said Bureau, in which permit will be specified the time during which, the means and methods by which, and the person or persons by whom the birds may be killed, and the disposition to be made of the birds so killed, and such other restrictions as may be deemed necessary and appropriate in the circumstances of the particular case: *Provided, however,* That in every permit issued as aforesaid it shall be specified that no such birds shall be shot at or killed at any time or in any manner not authorized by the laws of the State in which such permit is effective; and as to migratory waterfowl, that they shall not be shot at or killed (1) from any blind, sink, pit, or any other device or means of concealment, whether natural or artificial, movable or stationary, or on land or water; (2) by means of any gun larger than no. 10 gage, or of any gun to which a silencer has been attached or otherwise affixed; and (3) by the use of decoys of any description, or of traps or nets of any kind.

[As amended Aug. 20, 1934.]

Regulation 11.—State Laws for the Protection of Migratory Birds

Nothing in these regulations shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds, their nests, and eggs contrary to the laws and regulations of any State, or Territory, or District made for the purpose of giving further protection to migratory birds, their nests, and eggs when such laws and regulations are not inconsistent with the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, or the Migratory Bird Treaty Act and do not extend the open seasons for such birds beyond the dates prescribed by these regulations.

[Added by proclamation of Oct. 25, 1918, as amended July 9, 1920.]

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN FOR THE PROTECTION OF MIGRATORY BIRDS IN THE UNITED STATES AND CANADA²

[39 Stat. 1702]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Ireland for the protection of migratory birds in the United States and Canada was concluded and signed by their respective plenipotentiaries at Washington on the 16th day of August 1916, the original of which convention is word for word as follows:

Whereas many species of birds in the course of their annual migrations traverse certain parts of the United States and the Dominion of Canada; and

Whereas many of these species are of great value as a source of food or in destroying insects which are injurious to forests and forage plants on the public domain, as well as to agricultural crops, in both the United States and Canada, but are nevertheless in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds;

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or harmless, have resolved to adopt some uniform system of protection which shall effectively accomplish such objects and to the end of concluding a convention for this purpose have appointed as their respective plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States; and

His Britannic Majesty, the Right Hon. Sir Cecil Arthur Spring Rice, G.C.V.O., K.C.M.G., etc., His Majesty's ambassador extraordinary and plenipotentiary at Washington:

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and adopted the following articles:

Article I

The high contracting powers declare that the migratory birds included in the terms of this convention shall be as follows:

1. Migratory game birds:

- (a) Anatidae or waterfowl, including brant, wild ducks, geese, and swans.
- (b) Gruidae or cranes, including little brown, sandhill, and whooping cranes.
- (c) Rallidae or rails, including coots, gallinules, and sora and other rails.
- (d) Limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.
- (e) Columbidae or pigeons, including doves and wild pigeons.

2. Migratory insectivorous birds: Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull-bats, nut-hatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, wax-wings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. Other migratory nongame birds: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

Article II

The high contracting powers agree that, as an effective means of preserving migratory birds, there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities.

1. The close season on migratory game birds shall be between March 10 and September 1, except that the close season on the Limicolae or shorebirds in the Maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between February 1 and August 15, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding 3½ months as the high contracting powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murres, and puffins, and their eggs, for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

² Signed at Washington, Aug. 16, 1916; ratification advised by the Senate Aug. 29, ratified by the President Sept. 1, and by Great Britain Oct. 20; ratifications exchanged Dec. 7; proclaimed Dec. 8, 1916.

Article III

The high contracting powers agree that during the period of 10 years next following the going into effect of this convention there shall be a continuous close season on the following migratory game birds, to wit:

Band-tailed pigeons, little brown, sandhill, and whooping cranes, swans, curlew, and all shorebirds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs); provided that during such 10 years the close seasons on cranes, swans, and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this convention for the respective groups to which these birds belong.

Article IV

The high contracting powers agree that special protection shall be given the wood duck and the eider duck either (1) by a close season extending over a period of at least 5 years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

Article V

The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes under such laws or regulations as the high contracting powers may severally deem appropriate.

Article VI

The high contracting powers agree that the shipment or export of migratory birds or their eggs from any State or Province, during the continuance of the close season in such State or Province, shall be prohibited except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported, or offered for transportation from the United States into the Dominion of Canada or from the Dominion of Canada into the United States, shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

Article VII

Permits to kill any of the above-named birds, which under extraordinary conditions may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the high contracting powers under suitable regulations prescribed therefor by them, respectively, but such permits shall lapse or may be canceled at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold, or offered for sale.

Article VIII

The high contracting powers agree themselves to take, or propose to their respective appropriate law-making bodies, the necessary measures for insuring the execution of the present convention.

Article IX

The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible, and the convention shall take effect on the date of the exchange of the ratifications. It shall remain in force for 15 years, and in the event of neither of the high contracting powers having given notification 12 months before the expiration of said period of 15 years of its intention of terminating its operation, the convention shall continue to remain in force for 1 year and so on from year to year.

In faith whereof, the respective plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their seals.

Done at Washington this 16th day of August, 1916.

[SEAL]
[SEAL]

ROBERT LANSING,
CECIL SPRING RICE.

And whereas the said convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the 7th day of December 1916:

Now, therefore, be it known that I, WOODROW WILSON, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 8th day of December in the year of our Lord 1916, and of the independence of the United States of America the 141st.

[SEAL]

WOODROW WILSON.

By the President:

ROBERT LANSING,

Secretary of State.

MIGRATORY BIRD TREATY ACT³

[Act of July 3, 1918. 40 Stat. 755—U.S. Code, Title 16, Secs. 703-711]

An Act To give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington, August 16, 1916, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be known by the short title of the "Migratory Bird Treaty Act."

SEC. 2. That unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful to hunt, take, capture, kill, attempt to take, capture or kill possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time or in any manner, any migratory bird, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, or any part, nest, or egg of any such bird.

SEC. 3. That, subject to the provisions and in order to carry out the purposes of the convention, the Secretary of Agriculture is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the convention to allow hunting, taking, capture, killing, possession, sale, purchase shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President.

SEC. 4. That it shall be unlawful to ship, transport, or carry, by any means whatever, from one State, Territory, or District to or through another State, Territory, or District, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or District in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried.⁴

SEC. 5. That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act shall have power, without warrant, to arrest any person committing a violation of this act in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this act; and shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All birds, or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulations made pursuant thereto shall, when found, be seized by any such employee, or by any marshal, or deputy marshal, and, upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

SEC. 6. That any person, association, partnership, or corporation who shall violate any of the provisions of said convention or of this act, or who shall violate or fail to comply with any regulation made pursuant to this act, shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both.

SEC. 7. That nothing in this act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of said convention or of this act, or from making or enforcing laws or regulations which shall give further protection to migratory birds, their nests, and eggs, if such laws or regulations do not extend the open seasons for such birds beyond the dates approved by the President in accordance with section 3 of this act.

SEC. 8. That until the adoption and approval, pursuant to section 3 of this act, of regulations dealing with migratory birds and their nests and eggs, such migratory birds and their nests and eggs as are intended and used exclusively for scientific or propagating purposes may be taken, captured, killed, possessed, sold, purchased, shipped, and transported for such scientific or propagating purposes if and to the extent not in conflict with the laws of the State, Territory, or District in which they are taken, captured, killed, possessed, sold, or purchased, or in or from which they are shipped or transported if the

³ Constitutionality of the treaty and act of July 3, 1918, sustained by the United States Supreme Court in a decision rendered Apr. 19, 1920, in the case of the State of Missouri v. Ray P. Holland (252 U.S. 416); see also U.S. v. Lumpkin (276 Fed. 580). Canada by an act of Parliament approved Aug. 29, 1917, gave full effect to the treaty and promulgated regulations thereunder May 11, 1918. The validity of the act of the Dominion Parliament was upheld by the Supreme Court of Prince Edward Island in a decision (Michaelmas term, 1920) rendered in the case of the King v. Russell C. Clark. For full text of the Canadian migratory-bird treaty act and regulations, communicate with the Commissioner, National Parks of Canada, Ottawa, Ontario.

⁴ Sec. 4 applies to both migratory and nonmigratory birds. *Bogle v. White* (marshal), 61 Fed. (2d) 930 (U.S.C.C.A.), Dec. 8, 1932. Petition for certiorari denied (53 Sup. Ct. Rpt. 656).

packages containing the dead bodies or the nests or eggs of such birds when shipped and transported shall be marked on the outside thereof so as accurately and clearly to show the name and address of the shipper and the contents of the package.

SEC. 9. That the unexpended balances of any sums appropriated by the agricultural appropriation acts for the fiscal years 1917 and 1918, for enforcing the provisions of the act approved March 4, 1913, relating to the protection of migratory game and insectivorous birds, are hereby reappropriated and made available until expended for the expenses of carrying into effect the provisions of this act and regulations made pursuant thereto, including the payment of such rent, and the employment of such persons and means, as the Secretary of Agriculture may deem necessary, in the District of Columbia and elsewhere, cooperation with local authorities in the protection of migratory birds, and necessary investigations connected therewith: *Provided*, That no person who is subject to the draft for service in the Army or Navy shall be exempted or excused from such service by reason of his employment under this act.

SEC. 10. That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 11. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 12. Nothing in this act shall be construed to prevent the breeding of migratory game birds on farms and preserves and the sale of birds so bred under proper regulations for the purpose of increasing the food supply.

SEC. 13. That this act shall become effective immediately upon its passage and approval.

MIGRATORY BIRD CONSERVATION ACT

[Act of Feb. 18, 1929. 45 Stat. 1222—U.S. Code, Suppl. 4, title 16, sec. 715.]

An Act To more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be known by the short title of "Migratory Bird Conservation Act."

SEC. 2. That a commission to be known as the Migratory Bird Conservation Commission, consisting of the Secretary of Agriculture, as chairman, the Secretary of Commerce, the Secretary of the Interior, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives to be selected by the Speaker, is hereby created and authorized to consider and pass upon any area of land, water, or land and water that may be recommended by the Secretary of Agriculture for purchase or rental under this act, and to fix the price or prices at which such area may be purchased or rented; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission. Any Member of the House of Representatives who is a member of the commission, if reelected to the succeeding Congress, may serve on the commission notwithstanding the expiration of a Congress. Any vacancy on the commission shall be filled in the same manner as the original appointment. The ranking officer of the branch or department of a State to which is committed the administration of its game laws, or his authorized representative, and in a State having no such branch or department, the Governor thereof, or his authorized representative, shall be a member ex officio of said commission for the purpose of considering and voting on all questions relating to the acquisition, under this act, of areas in his State.

SEC. 3. That the commission hereby created shall, through its chairman, annually report in detail to Congress, not later than the first Monday in December, the operations of the commission during the preceding fiscal year.

SEC. 4. That the Secretary of Agriculture shall recommend no area for purchase or rental under the terms of this act except such as he shall determine is necessary for the conservation of migratory game birds.

SEC. 5. That the Secretary of Agriculture is authorized to purchase or rent such areas as have been approved for purchase or rental by the commission, at the price or prices fixed by said commission, and to acquire by gift or devise, for use as inviolate sanctuaries for migratory birds, areas which he shall determine to be suitable for such purposes, and to pay the purchase or rental price and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, including options when deemed necessary by the Secretary of Agriculture, from moneys to be appropriated hereunder by Congress from time to time: *Provided*, That no lands acquired, held, or used by the United States for military purposes shall be subject to any of the provisions of this act.

SEC. 6. That the Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this act, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General, but the acquisition of such areas by the United States shall in no case be defeated because of rights of way, easements, and reservations which from their nature will in the opinion of the Secretary of Agriculture in no manner interfere with the use of the areas so encumbered for the purposes of this act; but such rights of way, easements, and reservations retained by the grantor or lessor, from whom the United States receives title, shall be subject to rules and regulations prescribed from time to time by the Secretary of Agriculture for the occupation, use, operation, protection, and administration of such areas as inviolate

sanctuaries for migratory birds; and it shall be expressed in the deed or lease that the use, occupation, and operation of such rights of way, easements, and reservations shall be subordinate to and subject to such rules and regulations.

SEC. 7. That no deed or instrument of conveyance shall be accepted by the Secretary of Agriculture under this act unless the State in which the area lies shall have consented by law to the acquisition by the United States of lands in that State.

SEC. 8. That the jurisdiction of the State, both civil and criminal, over persons upon areas acquired under this act shall not be affected or changed by reason of their acquisition and administration by the United States as migratory bird reservations, except so far as the punishment of offenses against the United States is concerned.

SEC. 9. That nothing in this act is intended to interfere with the operation of the game laws of the several States applying to migratory game birds insofar as they do not permit what is forbidden by Federal law.

SEC. 10. That no person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike, embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this act, or cut, burn, or destroy any timber, grass, or other natural growth, on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture; nor shall any person take any bird, or nest or egg thereof, on any area acquired under this act, except for scientific or propagating purposes under permit of the Secretary of Agriculture; but nothing in this act or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this act for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area.

SEC. 11. That for the purposes of this act, migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916.

SEC. 12. For the acquisition, including the location, examination, and survey, of suitable areas of land, water, or land and water, for use as migratory bird reservations, and necessary expenses incident thereto, and for the administration, maintenance, and development of such areas and other preserves, reservations, or breeding grounds frequented by migratory game birds and under the administration of the Secretary of Agriculture, including the construction of dams, dikes, ditches, flumes, spillways, buildings, and other necessary improvements, and for the elimination of the loss of migratory birds from alkali poisoning, oil pollution of waters, or other causes, for cooperation with local authorities in wildlife conservation, for investigations and publications relating to North American birds, for personal services, printing, engraving, and issuance of circulars, posters, and other necessary matter and for the enforcement of the provisions of this act, there are authorized to be appropriated, in addition to all other amounts authorized by law to be appropriated, the following amounts for the fiscal years specified—

\$75,000 for the fiscal year ending June 30, 1930;

\$200,000 for the fiscal year ending June 30, 1931;

\$600,000 for the fiscal year ending June 30, 1932;

\$1,000,000 for the fiscal year ending June 30, 1933;

\$1,000,000 for each fiscal year thereafter for a period of six years; and

\$200,000 for the fiscal year ending June 30, 1940, and for each fiscal year thereafter.

Not more than 20 per centum of the amounts appropriated pursuant to this authorization for the fiscal year beginning July 1, 1930, and for each fiscal year to and including the fiscal year ending June 30, 1939, shall be expended for personal services in the District of Columbia and elsewhere incident to the administration and maintenance of acquired areas, printing, engraving, and issuance of circulars and posters. No part of any appropriation authorized by this section shall be used for payment of the salary, compensation, or expenses of any United States game protector, except reservation protectors for the administration, maintenance, and protection of such reservations, and the birds thereon: *Provided*, That reservation protectors appointed under the provisions of this act shall be selected, when practicable, from qualified citizens of the State in which they are to be employed. The Secretary of Agriculture is authorized and directed to make such expenditures and to employ such means, including personal services in the District of Columbia and elsewhere, as may be necessary to carry out the foregoing objects.

SEC. 13. That for the efficient execution of this act, the judges of the several courts established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce this act shall have, with respect thereto, like powers and duties as are conferred by section 5 of the Migratory Bird Treaty Act (title 16, section 706 of the United States Code) upon said judges, commissioners, and employees of the Department of Agriculture appointed to enforce the act last aforesaid. Any bird, or part, nest or egg thereof, taken or possessed contrary to this act, when seized shall be disposed of as provided by section 5 of said Migratory Bird Treaty Act.

SEC. 14. That any person, association, partnership, or corporation who shall violate or fail to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$10 nor more than \$500, or be imprisoned not more than six months, or both.

SEC. 15. That for the purposes of this act the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.

SEC. 16. Nothing in this act shall be construed as authorizing or empowering the Migratory Bird Conservation Commission herein created, the Secretary of Agriculture, or any other board, commission, or officer, to declare, withdraw, or determine, except heretofore designated, any part of any national forest or power site, a migratory bird reservation under any of the provisions of this act, except by and with the consent of the legislature of the State wherein such forest or power site is located.

SEC. 17. That when any State shall, by suitable legislation, make provision adequately to enforce the provisions of this act and all regulations promulgated thereunder, the

Secretary of Agriculture may so certify, and then and thereafter said State may cooperate with the Secretary of Agriculture in the enforcement of this act and the regulations thereunder.

SEC. 18. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of \$5,000, is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

SEC. 19. That if any provision of this act or the application thereof to any person or circumstance is held invalid the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 20. That this act shall take effect upon its passage and approval.

MIGRATORY BIRD HUNTING STAMP ACT

[Act of Mar. 16, 1934. Public, No. 124—73d Cong.]

To supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the expiration of ninety days after the date of enactment of this act no person over sixteen years of age shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired Federal migratory-bird hunting stamp issued to him in the manner hereinafter provided; except that no such stamp shall be required for the taking of migratory waterfowl by Federal or State institutions or official agencies, for propagation purposes or by the resident owner, tenant, or share cropper of the property or officially designated agencies of the Department of Agriculture for the killing of such waterfowl when found injuring crops or other property, under such restrictions as the Secretary of Agriculture may by regulation prescribe. The Secretary of Agriculture shall, immediately upon the passage of this act, adopt and promulgate such regulations as are pertinent to the protection of private property in the injury of crops. Any person to whom a stamp has been issued under this act shall upon request exhibit such stamp for inspection to any officer or employee of the Department of Agriculture authorized to enforce the provisions of this act or to any officer of any State or any political subdivision thereof authorized to enforce game laws.

SEC. 2. That the stamps required under this act shall be issued, and the fees therefor collected, by the Post Office Department, under regulations prescribed jointly by the Secretary of Agriculture and the Postmaster General: *Provided*, That stamps shall be issued at the post office or post offices of all county seats in the several States, at all post offices in all cities with a population of two thousand five hundred or over, and at such other post offices as said officers may by regulation prescribe. Each such stamp shall, at the time of issuance, be affixed adhesively to the game license issued to the applicant under State law, if the applicant is required to have a State license, or, if the applicant is not required to have a State license, to a certificate furnished for that purpose by the Post Office Department at the time of issuance of such stamp. For each such stamp issued under the provisions of this act, there shall be collected by the postmaster the sum of \$1. Each stamp shall expire and be void after the 30th day of June next succeeding its issuance.

SEC. 3. Nothing in this act shall be construed to authorize any person to take any migratory waterfowl otherwise than in accordance with regulations adopted and approved pursuant to any treaty heretofore or hereafter entered into between the United States and any other country for the protection of migratory birds, nor to exempt any person from complying with the game laws of the several States.

SEC. 4. All moneys received for such stamps shall be accounted for by the postmaster and paid into the Treasury of the United States, and shall be received and set aside as a special fund to be known as the migratory bird conservation fund, to be administered by the Secretary of Agriculture. All moneys received into such fund are hereby appropriated for the following objects and shall be available therefor until expended.

(a) Not less than 90 per centum shall be available for the location, ascertainment, acquisition, administration, maintenance, and development of suitable areas for inviolate migratory-bird sanctuaries, under the provisions of the Migratory Bird Conservation Act, to be expended for such purposes in all respects as moneys appropriated pursuant to the provisions of such act; for the administration, maintenance, and development of other refuges under the administration of the Secretary of Agriculture, frequented by migratory game birds; and for such investigations on such refuges and elsewhere in regard to migratory waterfowl as the Secretary of Agriculture may deem essential for the highest utilization of the refuges and for the protection and increase of these birds.

(b) The remainder shall be available for administrative expenses under this act and the Migratory Bird Conservation Act, including reimbursement to the Post Office Department of funds expended in connection with the printing, engraving, and issuance of migratory-bird hunting stamps, and including personal services in the District of Columbia and elsewhere: *Provided*, That the protection of said inviolate migratory-bird sanctuaries shall be, so far as possible, under section 17 of the Migratory Bird Conservation Act, passed February 18, 1929.

(c) The remainder shall be available for administrative expenses under this act, including reimbursement to the Post Office Department of funds expended in connection with the issuance of stamps, and printing and engraving of the same, and for adminis-

tration expenses under the Migratory Bird Treaty Act and any other act to carry into effect any treaty for the protection of migratory birds, and the Migratory Bird Conservation Act.

SEC. 5. (a) No person shall alter, mutilate, loan, or transfer to another any stamp issued to him pursuant to this act, nor shall any person other than the person to whom such stamp is issued use the same for any purpose.

(b) No person shall imitate or counterfeit any stamp authorized by this act, or any die, plate, or engraving therefor, or make, print, or knowingly use, sell, or have in his possession any such counterfeit, license, die, plate, or engraving.

SEC. 6. For the efficient execution of this act, the judges of the several courts, established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce the provisions of this act, shall have, with respect thereto, like powers and duties as are conferred upon said judges, commissioners, and employees of the Department of Agriculture by the Migratory Bird Treaty Act or any other act to carry into effect any treaty for the protection of migratory birds with respect to that act. Any bird or part thereof taken or possessed contrary to such act shall, when seized, be disposed of as provided by the Migratory Bird Treaty Act, or acts aforesaid.

SEC. 7. Any person who shall violate any provision of this act or who shall violate or fail to comply with any regulation made pursuant thereto shall be subject to the penalties provided in section 6 of the Migratory Bird Treaty Act.

SEC. 8. The Secretary of Agriculture is authorized to cooperate with the several States and Territories in the enforcement of the provisions of this act.

SEC. 9. (a) Terms defined in the Migratory Bird Treaty Act, or the Migratory Bird Conservation Act, shall, when used in this act, have the meaning assigned to such terms in such acts respectively.

(b) As used in this act (1) the term "migratory waterfowl" means the species enumerated in paragraph (a) of subdivision 1 of article I of the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916; (2) the term "State" includes the several States and Territories of the United States and the District of Columbia; and (3) the term "take" means pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

LACEY ACT, REGULATING INTERSTATE COMMERCE IN WILD ANIMALS⁵

Federal laws affecting the shipment of wild animals comprise statutes regulating interstate commerce by common carrier in the dead bodies or parts thereof, and the importation of live birds and mammals from foreign countries, as follows:

[U.S. Code, title 18, Criminal Code and Criminal Procedure]

SEC. 391. The importation into the United States, or any Territory or District thereof, of the mongoose, the so-called "flying foxes", or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of Agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals, shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. No person shall import into the United States or into any Territory or District thereof any foreign wild animal or bird, except under special permit from the Secretary of Agriculture: *Provided*, That nothing in this section shall restrict the importation of natural-history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of Agriculture may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.⁶ (Act of Mar. 4, 1909, sec. 241—35 Stat. 1137.)

SEC. 392. It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier to transport from any State, Territory, or District of the United States to any other State, Territory, or District thereof, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds,⁷ where such animals or birds have been killed or shipped in violation of the laws of the State, Territory, or District in which the same were killed, or from which they were shipped: *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are captured or killed. (Act of Mar. 4, 1909, sec. 242—35 Stat. 1137.)

SEC. 393. All packages containing the dead bodies, or the plumage, or parts thereof, of game animals, or game or other wild birds, when shipped in interstate or foreign commerce, shall be plainly and clearly marked, so that the name and address of the shipper and the nature of the contents may be readily ascertained on an inspection of the outside of such package. (Act of Mar. 4, 1909, sec. 243—35 Stat. 1137.)

SEC. 394. For each evasion or violation of any provision of the three sections last preceding the shipper shall be fined not more than \$200; the consignee knowingly receiving such articles so shipped and transported in violation of said sections shall be fined

⁵ For secs. 2, 3, and 4 of the act of May 25, 1900—31 Stat. 187—188—which was superseded by secs. 241—244 of the act of March 4, 1909—35 Stat. 1137—see secs. 391—394 of U.S. Code, title 18; for sec. 5 of the act of May 25, 1900, see sec. 395 of title 18; and for sec. 1, see sec. 701 of title 16.

⁶ See joint regulations (S.R.A.—B.S. 69), effective Nov. 21, 1927, governing the importation of bobwhite quail from Mexico, copies of which may be obtained free of charge from the U.S. Department of Agriculture, Washington, D.C.

⁷ See sec. 4 of the Migratory Bird Treaty Act, p. 12, which supersedes this part of the Lacey Act relative to the interstate transportation of wild birds.

not more than \$200; and the carrier knowingly carrying or transporting the same in violation of said sections shall be fined not more than \$200. (Act of Mar. 4, 1909, sec. 244—35 Stat. 1138.)

SEC. 395. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl. (Act of May 25, 1900, sec. 5—31 Stat. 188.)

[U.S. Code, title 16, Conservation]

SEC. 701. That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this act, and shall expend for said purposes such sums as Congress may appropriate therefor. (Act of May 25, 1900, sec. 1—31 Stat. 187.)

LAW PROTECTING WILD ANIMALS AND BIRDS AND THEIR EGGS AND GOVERNMENT PROPERTY ON FEDERAL REFUGES

[U. S. Code, title 18, Criminal Code and Criminal Procedure]

SEC. 145. Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the eggs of any such bird on any lands of the United States which have been set apart or reserved as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, or who shall willfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than \$500, or imprisoned not more than six months, or both. (Act of Mar. 4, 1909, sec. 84, as amended Apr. 15, 1924, 43 Stat. 98.)

[U. S. Code, Supplement IV, title 16, Conservation]

SEC. 7151. No person shall knowingly disturb, injure, or destroy any notice, sign-board, fence, building, ditch, dam, dike embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this chapter, or cut, burn, or destroy any timber, grass, or other natural growth, on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture: nor shall any person take any bird, or nest or egg thereof on any area acquired under this chapter, except for scientific or propagating purposes under permit of the Secretary of Agriculture; but nothing in this chapter or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this chapter for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area. (Act of Feb. 18, 1929, sec. 10—45 Stat. 1222.)

REGULATIONS ON HUNTING ON NATIONAL FORESTS

REGULATION T-7. The following acts are prohibited on lands of the United States within national forests:

The going or being upon any such land, or in or on the waters thereof, with intent to hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or to take the eggs of any such bird, in violation of the laws of the State in which such land or waters are situated.

REGULATION T-8. The following acts are prohibited upon any national-forest lands embraced within the boundaries of a national game or bird refuge, preserve, sanctuary, or reservation established by or under authority of an act of Congress:

(A) Hunting, trapping, catching, disturbing, or killing any kind of game or nongame animal, or game or nongame bird, or taking the eggs of any such bird, except when authorized by a permit issued by, or under the authority of, the forester.

(B) Carrying or having possession of firearms without the written permission of the forest supervisor or such other officer as he may designate.

(C) Permitting dogs to run at large, or having in possession dogs not on leash or confined.

(D) Camping without permit issued by a forest officer, except on areas designated as public camp grounds, or other areas which may be specifically excepted by the district forester.

Regulation G-30 authorizes all forest officers to enforce the above regulations and to cooperate with State or Territorial officials in the enforcement of local laws for the protection of birds, fish, and game.

REGULATION G-20 A. When the Secretary shall determine upon consideration of data and recommendations of the forester that the regulation or the prohibition for a specified period of hunting and fishing upon any national forest or portion thereof is necessary for the accomplishment of the purposes above set forth, he shall designate such national forest or portion thereof, establish hunting and fishing seasons therefor, fix bag and creel limits, specify the sex of animals to be killed, fix the fees to be paid for permits, designate the authorized official to whom application for permit shall be made, and describe the terms and conditions under which hunting and fishing shall be conducted with a view of carrying out the purpose of this regulation. Public notice of such designation shall be given by such means as the forester shall deem adequate for the purpose. Carcasses of animals or fish taken under permit shall be marked or tagged for identification as directed by the forester.

REGULATION T-8½. Upon national-forest lands designated under regulation G-20 A the following acts are prohibited:

Hunting, trapping, catching, disturbing, or killing any kind of game or nongame animal, or game or nongame bird, or taking the eggs of any such bird, except during hunting and fishing seasons established by the Secretary, and in accordance with the terms and conditions of a permit issued by a duly authorized officer which is valid and subsisting at the time.

PENALTIES FOR SETTING FIRES ON PUBLIC DOMAIN

[Act of Mar. 4, 1909—U.S. Code, title 18, Criminal Code and Criminal Procedure]

SEC. 106. Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than \$5,000, or imprisoned not more than two years, or both.

SEC. 107. Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than \$1,000, or imprisoned not more than one year, or both. [Constitutional, U.S. v. Alford, 274 U.S., 264.]

PROVISIONS OF TARIFF ACT REGULATING IMPORTATION OF PLUMAGE, GAME, ETC.

[Act of June 17, 1930—U.S. Code, Supplement IV, title 19, Customs Duties]

TITLE I.—DUTIABLE LIST

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS

PAR. 704. Reindeer meat, venison, and other game (except birds), fresh, chilled, or frozen, not specially provided for, 6 cents per pound.

PAR. 711. Birds, live: Chickens, ducks, geese, turkeys, and guineas, 8 cents per pound; baby chicks of poultry, 4 cents each; all other live birds not specially provided for, valued at \$5 or less each, 50 cents each; valued at more than \$5 each, 20 per centum ad valorem.

PAR. 712. Birds, dead, dressed or undressed, fresh, chilled, or frozen: Chickens, ducks, geese, and guineas, 10 cents per pound; turkeys, 10 cents per pound; all other, 10 cents per pound; all the foregoing, prepared or preserved in any manner and not specially provided for, 10 cents per pound.

PAR. 715. Live animals, vertebrate and invertebrate, not specially provided for, 15 per centum ad valorem.

SCHEDULE 15.—SUNDRIES

PAR. 1518. Feathers and downs, on the skin or otherwise, crude or not dressed, colored, or otherwise advanced or manufactured in any manner, not specially provided for, 20 per centum ad valorem; dressed, colored, or otherwise advanced or manufactured in any manner, including quilts of down and other manufactures of down, 60 per centum ad valorem; feather dusters, 45 per centum ad valorem; artificial or ornamental feathers suitable for use as millinery ornaments, 60 per centum ad valorem; * * * and all articles not specially provided for, composed wholly or in chief value of any of the feathers, * * * above mentioned, shall be subject to the rate of duty provided in this paragraph for such materials, but not less than 60 per centum ad valorem: *Provided*, That the importation of birds of paradise, aigrettes, egret plumes or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, and not for scientific or educational purposes, is hereby prohibited; but this provision shall not apply to the feathers or plumes of ostriches or to the feathers or plumes of domestic fowls of any kind: *Provided further*, That birds of paradise, and the feathers, quills, heads, wings, tails, skins, or parts thereof, and all aigrettes, egret plumes, or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, of like kind to those the importation of which is prohibited by the foregoing provisions of this paragraph, which may be found in the United States, on and after the passage of this Act, except as to such

plumage or parts of birds in actual use for personal adornment, and except such plumage, birds or parts thereof imported therein for scientific or educational purposes, shall be presumed for the purpose of seizure to have been imported unlawfully after October 3, 1913, and the collector of customs shall seize the same unless the possessor thereof shall establish, to the satisfaction of the collector that the same were imported into the United States prior to October 3, 1913, or as to such plumage or parts of birds that they were plucked or derived in the United States from birds lawfully therein; and in case of seizure by the collector, he shall proceed as in case of forfeiture for violation of the customs laws, and the same shall be forfeited, unless the claimant shall, in any legal proceeding to enforce such forfeiture, other than a criminal prosecution, overcome the presumption of illegal importation and establish that the birds or articles seized, of like kind to those mentioned the importation of which is prohibited as above, were imported into the United States prior to October 3, 1913, or were plucked in the United States from birds lawfully therein.

That whenever birds or plumage, the importation of which is prohibited by the foregoing provisions of this paragraph, are forfeited to the Government, the Secretary of the Treasury is hereby authorized to place the same with the departments or bureaus of the Federal or State Governments or societies or museums for exhibition or scientific or educational purposes, but not for sale or personal use; and in the event of such birds or plumage not being required or desired by either Federal or State Government or for educational purposes, they shall be destroyed.

That nothing in this act shall be construed to repeal the provisions of the act of March 4, 1913, chapter 145 (Thirty-seventh Statutes at Large, p. 847), or the act of July 3, 1918 (Fortieth Statutes at Large, p. 755), or any other law of the United States, now of force, intended for the protection or preservation of birds within the United States. That if on investigation by the collector before seizure, or before trial for forfeiture, or if at such such trial if such seizure has been made, it shall be made to appear to the collector, or the prosecuting officer of the Government, as the case may be, that no illegal importation of such feathers has been made, but that the possession, acquisition, or purchase of such feathers is or has been made in violation of the provisions of the act of March 4, 1913, chapter 145 (Thirty-seventh Statutes at Large, p. 847), or the act of July 3, 1918 (Fortieth Statutes at Large, p. 755), or any other law of the United States, now of force, intended for the protection or preservation of birds within the United States, it shall be the duty of the collector, or such prosecuting officer, as the case may be, to report the facts to the proper officials of the United States, or State or Territory charged with the duty of enforcing such laws.

PAR. 1519. (a) Dressed furs and dressed fur skins (except silver or black fox), and plates, mats, linings, strips, and crosses of dressed dog, goat, or kid skins, 25 per centum ad valorem; all the foregoing, if dyed, 30 per centum ad valorem.

(b) Manufactures of fur (except silver or black fox) further advanced than dressing, prepared for use as material * * * if not dyed, 35 per centum ad valorem; if dyed, 40 per centum ad valorem.

(c) Silver or black fox furs or skins, dressed or undressed, not specially provided for, 50 per centum ad valorem.

(e) Articles wholly or partly manufactured (including fur collars, fur cuffs, and fur trimmings), wholly or in chief value of fur, not specially provided for, 50 per centum ad valorem.

PAR. 1520. Hatters' furs, or furs not on the skin, prepared for hatters' use, including fur skins carotred, 35 per centum ad valorem.

PAR. 1530. (c) Leather * * * made from the hides or skins of * * * reptiles and birds. 25 per centum ad valorem.

PAR. 1535. * * * any prohibition of the importation of feathers in this act shall not be construed as applying to artificial flies used for fishing, or to feathers used for the manufacture of such flies.

TITLE II.—FREE LIST

SCHEDULE 16

PAR. 1606. (a) Any animal imported by a citizen of the United States specially for breeding purposes, shall be admitted free, whether intended to be used by the importer himself or for sale for such purposes, except black or silver foxes: *Provided*, That no such animal shall be admitted free unless purebred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed: *Provided further*, That the certificate of such record and pedigree of such animal shall be produced and submitted to the Department of Agriculture, duly authenticated by the proper custodian of such book of record, together with an affidavit of the owner, agent, or importer that the animal imported is the identical animal described in said certificate of record and pedigree. The Secretary of Agriculture may prescribe such regulations as may be required for determining the purity of breeding and the identity of such animal: *And provided further*, That the collectors of customs shall require a certificate from the Department of Agriculture stating that such animal is purebred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed.

(b) The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision.

(c) * * * the provisions of this act shall apply to all such animals as have been imported and are in quarantine or otherwise in the custody of customs or other officers of the United States at the date of the taking effect of this act.

PAR. 1607. Animals and poultry, brought into the United States temporarily for a period not exceeding six months, for the purpose of breeding, exhibition, or competition for prizes offered by any agricultural, polo, or racing association; but a bond shall be given in accordance with regulations prescribed by the Secretary of the Treasury; also teams of animals, including their harness and tackle, and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration, under such regulations as the Secretary of the Treasury may prescribe; and wild animals and birds intended for

exhibition in zoological collections for scientific or educational purposes, and not for sale or profit.

PAR. 1671. Eggs of birds, fish, and insects (except fish roe for food purposes): *Provided*, That the importation of eggs of wild birds is prohibited, except eggs of game birds imported for propagating purposes under regulations prescribed by the Secretary of Agriculture, and specimens imported for scientific collections.

PAR. 1681. Furs and fur skins, not specially provided for, undressed.

PAR. 1682. Live game animals and birds, imported for stocking purposes, and game animals and birds killed in foreign countries by residents of the United States and imported by them for noncommercial purposes; under such regulations as the Secretary of Agriculture and the Secretary of the Treasury shall prescribe.

PAR. 1741. Pigeons, fancy or racing.

PAR. 1765. Skins of all kinds, raw, and hides not specially provided for.

PAR. 1767. Specimens of natural history, botany, and mineralogy, when imported for scientific public collections and not for sale.

TITLE IV.—ADMINISTRATIVE PROVISIONS

IMPORTATION OF WILD MAMMALS AND BIRDS IN VIOLATION OF FOREIGN LAW

SEC. 527. (a) *Importation prohibited.*—If the laws or regulations of any country, dependency, province, or other subdivision of government restrict the taking, killing, possession, or exportation to the United States of any wild mammal or bird, alive or dead, or restrict the exportation to the United States of any part or product of any wild mammal or bird, whether raw or manufactured, no such mammal or bird, or part or product thereof, shall, after the expiration of ninety days after the enactment of this act, be imported into the United States from such country, dependency, province, or other subdivision of government directly or indirectly, unless accompanied by a certification of the United States consul, for the consular district in which is located the port or place from which such mammal or bird, or part or product thereof, was exported from such country, dependency, province, or other subdivision of government, that such mammal or bird, or part or product thereof, has not been acquired or exported in violation of the laws or regulations of such country, dependency, province, or other subdivision of government.

(b) *Forfeiture.*—Any mammal or bird, alive or dead, or any part or product thereof, whether raw or manufactured, imported into the United States in violation of the provisions of the preceding subdivision shall be subject to seizure and forfeiture under the customs laws. Any such article so forfeited may, in the discretion of the Secretary of the Treasury and under such regulations as he may prescribe, be placed with the departments or bureaus of the Federal or State Governments, or with societies or museums, for exhibition or scientific or educational purposes, or destroyed, or (except in the case of heads or horns of wild mammals) sold in the manner provided by law.

(c) *Section not to apply in certain cases.*—The provisions of this section shall not apply in the case of—

(1) *Prohibited importations.*—Articles the importation of which is prohibited under the provisions of this act, or of section 241 of the Criminal Code, or of any other law;

(2) *Scientific or educational purposes.*—Wild mammals or birds, alive or dead, or parts or products thereof, whether raw or manufactured, imported for scientific or educational purposes;

(3) *Certain migratory game birds.*—Migratory game birds (for which an open season is provided by the laws of the United States and any foreign country which is a party to a treaty with the United States, in effect on the date of importation, relating to the protection of such migratory game birds) brought into the United States by bona fide sportsmen returning from hunting trips in such country, if at the time of importation the possession of such birds is not prohibited by the laws of such country or of the United States.

CANADIAN TARIFF ACT PROHIBITING IMPORTATION OF PLUMAGE, MONGOOSES, AND CERTAIN BIRDS

The importation of bird plumage into Canada for millinery purposes is prohibited by tariff item 1212 under schedule C (prohibited goods), as added by section 5 of the Canadian Customs Tariff Act of 1914. Item 1212 prohibits the entry of the following:

1212. Aigrettes, egret plumes, or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins of wild birds either raw or manufactured; but this provision shall not apply to—

(a) The feathers or plumes of ostriches;

(b) The plumage of the English pheasant and the Indian peacock;

(c) The plumage of wild birds ordinarily used as articles of diet;

(d) The plumage of birds imported alive; nor to

(e) Specimens imported under regulations of the minister of customs for any natural-history or other museum or for educational purposes.

Item 1214 under schedule C (prohibited goods), as added by the customs tariff act, effective May 24, 1922, prohibits the entry of the following:

1214. (a) Common mongoose (*Herpestes griseus*) or mongoose of any kind;

(b) Common mynah, Chinese mynah, crested mynah, or any other species of the starling family (*Sturnidae*);

(c) Java sparrows, rice bird, nutmeg finch, or other species of the weaver bird family (*Ploceidae*);

(d) European chaffinch (*Fringilla coelebs*);

(e) Great titmouse (*Parus major*).

OFFICIALS FROM WHOM COPIES OF GAME LAWS MAY BE OBTAINED

Federal laws: Secretary of Agriculture, Washington, D.C.

Alabama: Department of Game and Fisheries, Montgomery.

Alaska: Executive Officer, Alaska Game Commission, Juneau; or Secretary of Agriculture, Washington, D.C.

Arizona: State Game Warden, Phoenix.

Arkansas: Secretary, Game and Fish Commission, Little Rock.

California: Executive Officer, Fish and Game Commission, 450 McAllister Street, San Francisco.

Colorado: State Game and Fish Commissioner, Denver.

Connecticut: Superintendent of Fisheries and Game, Hartford.

Delaware: Chief Game and Fish Warden, Dover.

District of Columbia: Superintendent, Metropolitan Police, Washington.

Florida: State Game Commissioner, Tallahassee.

Georgia: Game and Fish Commissioner, Atlanta.

Hawaii: Fish and Game Division, Board of Agriculture and Forestry, Honolulu.

Idaho: Fish and Game Warden, Boise.

Illinois: Director, Department of Conservation, Springfield.

Indiana: Director of Game and Fish, Conservation Department, State House, Indianapolis.

Iowa: State Game Warden, Des Moines.

Kansas: State Fish and Game Warden, Pratt.

Kentucky: Game and Fish Commission, Frankfort.

Louisiana: Commissioner of Conservation, Court Building, New Orleans.

Maine: Commissioner of Inland Fisheries and Game, State House, Augusta.

Maryland: State Game Warden, 512 Munsey Building, Baltimore.

Massachusetts: Director, Division of Fisheries and Game, 20 Somerset Street, Boston.

Michigan: Director, Department of Conservation, Lansing.

Minnesota: Game and Fish Commissioner, Department of Conservation, St. Paul.

Mississippi: Director of Conservation, State Game and Fish Commission, Jackson.

Missouri: Game and Fish Commissioner, Jefferson City.

Montana: State Fish and Game Warden, Helena.

Nebraska: State Game Warden, Lincoln.

Nevada: Secretary of State Fish and Game Commission, Reno.

New Hampshire: Fish and Game Commissioner, Concord.

New Jersey: Secretary of Board of Fish and Game Commissioners, Trenton.

New Mexico: State Game and Fish Warden, Santa Fe.

New York: Director of Fisheries and Game, Conservation Department, Albany.

North Carolina: State Game Warden, Raleigh.

North Dakota: Game and Fish Commissioner, Bismarck.

Ohio: Commissioner of Conservation, Columbus.

Oklahoma: State Fish and Game Warden, Oklahoma City.

Oregon: State Game Commission, 616 Oregon Building, Portland.

Pennsylvania: Executive Secretary, Board of Game Commissioners, Harrisburg.

Rhode Island: Chairman, Commissioners of Birds, Providence.

South Carolina: Chief Game Warden, Columbia.

South Dakota: Director, Division of Game and Fish, Department of Agriculture, Pierre.

Tennessee: State Game and Fish Warden, Nashville.

Texas: Executive Officer, Game, Fish, and Oyster Commission, Austin.

Utah: Fish and Game Commissioner, Salt Lake City.

Vermont: Fish and Game Commissioner, Montpelier.

Virginia: Executive Secretary, Commission of Game and Inland Fisheries, Richmond.

Washington: Director of Game, 404 Bell Street Terminal (P. O. Box 384), Seattle.

West Virginia: Game and Fish Commission, Charleston.

Wisconsin: Conservation Commissioner, Madison.

Wyoming: State Game and Fish Commission, Cheyenne.

Canada: Commissioner, National Parks of Canada, Ottawa.

Alberta: Game Commissioner, Edmonton.

British Columbia: Game Commissioner, 411 Dunsmuir Street, Vancouver.

Manitoba: Director of Game and Fisheries, Winnipeg.

New Brunswick: Chief Game Warden, Fredericton.

Northwest Territories: Dominion Lands Administration, Department of Interior, Ottawa, Ontario.

Nova Scotia: Minister of Lands and Forests, Halifax.

Ontario: Department of Game and Fisheries, Toronto.

Prince Edward Island: Game Inspector, Provincial Treasury Department, Charlottetown.

Quebec: General Superintendent of Fisheries and Game, Quebec.

Saskatchewan: Game Commissioner, Department of Natural Resources, Regina.

Yukon: Territorial Secretary, Dawson.

Newfoundland: Secretary, Game and Inland Fisheries Board, St. Johns.

Mexico: Secretaria de Agricultura y Fomento, San Jacinto, D. F., Mexico.



United States Department of Agriculture**BUREAU OF BIOLOGICAL SURVEY****SERVICE AND REGULATORY ANNOUNCEMENTS****REGULATIONS FOR THE ADMINISTRATION OF THE UPPER
MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE**

Pursuant to the authority and direction contained in the Upper Mississippi River Wildlife and Fish Refuge Act of June 7, 1924 (43 Stat. 650; U. S. Code, title 16, secs. 721-731), we, the Secretary of Agriculture and the Secretary of Commerce, respectively, prescribe and order that all lands and waters already acquired or that may hereafter be acquired under the terms of said act are hereby established and shall be maintained (a) as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916; (b) as a refuge and breeding place for other wild birds, game animals, and fur-bearing animals, and for the conservation of wild flowers and aquatic plants; and (c) as a refuge and breeding place for fishes and other aquatic animal life, said refuge to be known as the Upper Mississippi River Wildlife and Fish Refuge and to be administered in accordance with said act and regulations thereunder. By virtue of the authority conferred upon said Secretaries, the following regulations are hereby jointly and severally made and prescribed:

**REGULATIONS OF THE SECRETARY OF AGRICULTURE IN RESPECT
OF WILD BIRDS, GAME ANIMALS, FUR-BEARING ANIMALS, WILD
FLOWERS, AND AQUATIC PLANTS****Regulation 1-A**

SECTION (a). Hunting and taking of wild mammals and birds will be permitted within the refuge only on areas not closed to hunting by the Secretary of Agriculture. Such hunting and taking of wild mammals and birds will be subject to the requirements of these regulations and instructions issued hereunder and to all State laws; hunting and taking of migratory birds will also be subject to the regulations made under the Migratory Bird Treaty Act.

SECTION (b). Carrying or having in possession firearms on areas not opened to hunting without permit of the superintendent of the refuge is prohibited except on highways or thoroughfares.

SECTION (c). Permitting dogs to run at large, except to assist in locating or retrieving mammals or birds being hunted under authority of these regulations or of instructions issued hereunder, is prohibited.

SECTION (d). Taking any nongame bird, or taking the nest or egg of any bird, except under permit of the Secretary of Agriculture, is prohibited.

Regulation 2-A

Game animals and fur-bearing and predatory animals may be hunted, taken, or trapped only under permit of the superintendent.

Regulation 3-A

Flowers, plants, trees, or other natural growth may be taken or collected only under permit of the superintendent.

REGULATIONS OF THE SECRETARY OF COMMERCE IN RESPECT OF FISH AND OTHER AQUATIC ANIMAL LIFE

Regulation 1-C

SECTION (a). Except within areas specifically closed to fishing by the Secretary of Commerce, and except as otherwise provided in these regulations or in the instructions issued hereunder, fishes, mussels, and other forms of aquatic animal life may be taken within the boundaries of the refuge in accordance with State law.

SECTION (b). On areas to be designated by the Secretary of Commerce as needed for the propagation and distribution of fish by the Bureau of Fisheries or by the State, the taking of fish or aquatic animal life of any kind is prohibited.

JOINT REGULATIONS OF THE SECRETARY OF AGRICULTURE AND THE SECRETARY OF COMMERCE

Regulation 1-AC

The enforcement of the law and of the regulations made pursuant thereto will be under the direction of the superintendent.

Regulation 2-AC

Any person may enter the refuge for any lawful purpose if he complies with the provisions of these regulations and instructions issued hereunder: *Provided*, That during the open season for the hunting of certain species of migratory game birds, no person shall enter for any purpose any area not open to hunting without first having obtained a permit to do so from the superintendent: *Provided further*, That no person shall enter for any purpose on areas designated by the Secretary of Commerce for the propagation and distribution of fishes without first having obtained a permit to do so from the Secretary of Commerce or his duly authorized representative.

Regulation 3-AC

Injuring, removing, or destroying any tree, boat, notice, signboard, fence, building, or other property of the United States is prohibited, except as authorized by these regulations or by instructions issued hereunder.

Regulation 4-AC

All birds, mammals, fishes, or other animals, or parts thereof, captured, injured, or killed; all flowers, plants, trees, and other natural growths, and nests and eggs of birds removed; and all implements or paraphernalia, including guns, fishing equipment, and boats used or attempted to be used contrary to the provisions of the act or of any regulation made pursuant thereto, shall, when found by an employee of the Department of Agriculture or of the Department of Commerce, a marshal, or a deputy marshal, be summarily seized by him and placed in the custody of the superintendent of the refuge.

Regulation 5-AC

Permits for special uses, such as removal of timber, cutting of hay, etc., may be granted by the superintendent, under such terms and conditions as the Secretary of Agriculture may prescribe. Applications for such permits should be made to the superintendent.

Permits for the following uses may be issued by the superintendent without charge:

(1) Public uses by any department or branch of the Federal or State governments, including municipalities, when no profit is to be derived therefrom.

(2) Semipublic use of lands by associations or organizations when such lands are open to the use of the public upon a noncommercial or a nonprofit basis, including lands occupied by shelter huts, camp grounds, etc., open to free use by the public.

(3) Telephone lines with free use and free connection for the Bureau of Biological Survey and the Bureau of Fisheries. Telegraph lines with free use of poles for attaching thereon telephone lines for official use of the refuge.

(4) Roads and trails that are free public highways.

(5) Stone, earth, and gravel used for projects constructed under permit, or for the construction or maintenance of public roads and trails.

(6) Fish hatcheries of a noncommercial nature as approved by the Bureau of Fisheries.

(7) Sewerage systems.

(8) Signs intended for the guidance or information of the public but not in any respect for advertising purposes.

Regulation 6-AC

Camping without permit may be permitted in the discretion of the superintendent.

Regulation 7-AC

The following acts are prohibited on the refuge:

SECTION (a). Setting on fire or causing to be set on fire any timber, brush, grass, or other soil cover, except as authorized by the superintendent.

SECTION (b). Building a camp fire in leaves, rotten wood, or other places where it is likely to spread, or against logs or stumps, where it is difficult to extinguish it.

SECTION (c). Building a camp fire in a dangerous place or during windy weather without confining it to holes or cleared spaces from which all vegetable matter has been removed.

SECTION (d). Leaving a camp fire without completely extinguishing it.

[SEAL]

September 5, 1934.

[SEAL]

September 27, 1934.

WASHINGTON, D. C.

(Signed) H. A. WALLACE,

Secretary of Agriculture.

DANIEL C. ROPER,

Secretary of Commerce.

